



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHRISTOPHER CAPANELLI, : 06 Civ. 15397 (SHS)

Plaintiff, :

-against- : ORDER

NYP HOLDINGS, INC., *ET AL.*, :

Defendants. :

-----X  
SIDNEY H. STEIN, U.S. District Judge.

On December 18, 2008, Magistrate Judge James C. Francis issued a Report and Recommendation recommending that defendants' motion for summary judgment on the malicious prosecution claim be granted in part and denied in part. On January 15, 2009, defendants filed objections to the Report and Recommendation. On January 23, 2009, plaintiff filed opposition papers to defendants' objections. After a *de novo* review of the Report and Recommendation, defendants' objections, and plaintiff's opposition to defendants' objections, the Court adopts the recommendation of Magistrate Judge Francis. Accordingly,

IT IS HEREBY ORDERED that defendants' motion for summary judgment is granted to the extent of dismissing the false imprisonment claims with respect to all defendants, dismissing all claims against Mr. Vincent, and dismissing the malicious prosecution claim insofar as it is based on an allegation of improper influence, and the motion is denied with respect to the remaining malicious prosecution claims.

Dated: New York, New York  
January 30, 2009

SO ORDERED:

 A handwritten signature of Sidney H. Stein in black ink.
 

Sidney H. Stein, U.S.D.J.